

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05mj241**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>STEWART HUNNICUTT, JR.</b>	)	
	)	

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**THIS MATTER** is before the court in accordance with 28, United States Code, Section 636(c), and upon the Motion to Dismiss filed by the United States of America. In such motion, the government requests that such charge be dismissed without prejudice, but does not reflect consultation with opposing counsel. In light of the evidentiary decision previously entered, such motion seeking leave to dismiss without prejudice will be denied.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the government's Motion to Dismiss is **DENIED** without prejudice.

Signed: February 16, 2006

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

